

# **WATER POLLUTION CONTROL ADVISORY COUNCIL**

**Conference Call Meeting  
Metcalf Building, Room 35  
1520 East Sixth Avenue, Helena, MT**

**January 5, 2011  
Meeting Minutes**

## **Attendance**

***Council Members Present:*** Trevor Selch

***Council Members Present via Telephone:*** Roger Muggli; Richard Hoehne; Karen Bucklin Sanchez; Stevie Neuman; Mitchell Leu; Earl Salley; Dude Tyler; Michael Wendland; and JP Pomnichowski (alternate for Kathleen Williams)

***Meeting recorder Present:*** Carrie Greeley, DEQ; Cheryl Romsa, Court Reporter.

***Department Personnel Present:*** Bob Bukantis; Jenny Chambers; Terry Campbell; Steve Kilbreath; David Rusoff; Stephanie Crider; Jim Madden; and Rod McNeil

***Interested Persons Present:*** Amy Bamber, MT Dept. of Ag; Krista Lee Evans, MT Ag Business Associates.

***Interested Persons Present via Telephone:*** Dave Galt, MT Petroleum Association

## **Call to Order**

The Water Pollution Control Advisory Council's January 5, 2011 meeting was called to order by Mr. Trevor Selch (acting Chairman) at 10:06 am. A quorum was present.

## **Introductions**

A brief round of introductions was made by those on the phone.

## **Approval of Agenda**

Mr. Selch requested the date to be changed to 2011. No other changes were voiced. Mr. Dude Tyler moved to approve the agenda with the data change. Agenda was approved.

## **Approval of Minutes**

Mr. Selch called for a motion to approve the [November 4, 2010](#) meeting minutes. Mr. Tyler moved to approve and Ms. Karen Sanchez seconded the motion. The motion carried with a unanimous vote.

## **ACTION ITEMS**

### **Meeting Calendar for 2011**

Mr. Bukantis went over meeting conflicts for the 2011 meeting calendar. Ms. Sanchez and Mr. Selch had conflicts for the February meeting but will check on sending alternates. Ms. Pomnicheowski questioned why the meetings aren't on a specific day. Mr. Bukantis explained the conflict of scheduling and having to time meetings according to BER. There was a conflict for August and it was agreed to change the tentative date from August 25 to August 19. Mr. Selch asked for a motion to approve with the August date change. Mr. Michael Wendland made a motion to approve with the date change, Ms. Stevie Neuman seconded the motion. The motion carried.

### **Rule Change for State Wastewater Standards**

Mr. Steve Kilbreath and Mr. Jim Madden made a brief [presentation](#) regarding the proposed rule change for state minimum wastewater standards (ARM 17.36.922 and 924) which are rules that all counties in Montana must adopt as their base minimum for issuing septic system permits. Variances for the local counties must conform to state requirements, and cannot be less stringent than these standards. Rule 922 was corrected to set a completed set of variance criteria that counties and the Department both can use and adds some new hardship criteria. Rule 924 is basically administrative process changes, and is intended to set out corrections and clarify the Department's authority with local variances.

Ms. Sanchez asked for clarification that if the variance criteria must be identical between the State and Local County rules, are the counties allowed to have more stringent rules currently, but not less than the state. Mr. Kilbreath explained that local variance criteria must be identical to those from the Board of Environmental Review (BER).

Mr. Selch asked for a motion to recommend to move this forward to the Board. Mr. Tyler moved and Mr. Earl Salley seconded the motion. A voice vote was called and the motion was unanimously approved.

### **Electronic Filing and Signature Rules Handout**

Mr. David Rusoff, and Ms. Jenny Chambers presented information on the current proposal for the acceptance of electronic filing of documents and went over the [handout](#). Mr. Rusoff clarified that at this point in time this is more of a briefing item than an action item as they are not proposing a joint BER and DEQ rulemaking, but they would like to get feedback from the Council. Mr. Bukantis further explained that since this is not necessary under the Montana Water Quality Act it eliminates the need for it to be an action item. Mr. Rusoff explained the main authority of the electronic filing is the uniform electronic transactions act which has been adopted by the Montana Legislature and other states to allow submission of electronic documents and it states that any agency may adopt those rules to implement the act for its programs. The main purpose is to provide uniform and secure general procedures for submission of electronic records to ensure that those records are authentic and submitted by the authorized party whose name appears on the document, it is a correct copy of what it proposes to be and is enforceable if there is any legal action, along with saving money for submitters and the state.

Mr. Rusoff and Ms. Chambers addressed any concerns/questions from Council members and the audience. They asked if there were any further questions to send them to them directly. Mr. Selch asked for any other comments. No reply.

## **BRIEFING ITEMS**

### **Reuse Legislation Update Handout**

Mr. Terry Campbell presented a [handout](#) of draft legislation addressing the effluent guidelines that the Department has been working on since 2006. Currently is it Drafted House Bill 52, which is under consideration for the reuse of public wastewater.

Mr. Hoehne asked if the bill was approved, who is going to be in charge of monitoring. Mr. Campbell answered that they are attempting to develop standards which would allow the consideration of unrestricted reuse. He believes there would, in most cases, be a continuation of the current discharge permitting process and that would require record keeping showing the user is in compliance. If the effluent is of high quality and there is no concern of nondegradation then monitoring/record keeping could potentially be part of the conditions of approval for that reuse option.

Ms. Sanchez stated that she is enthusiastic that this would give small communities more options and would create a market for the highly treated waste water.

### **Pesticide Degradates PowerPoint Presentation**

Mr. Rod McNeil provided a [presentation](#) about the uniform application of the hazard index rule for pesticides in DEQ-7. EPA Hazard Index rule provides guidance on whether a degradate should be co-listed and quantified with its parent compound as well as providing guidance on toxicological criteria relative to the parent compound. There are seven pesticides and 12 degradates currently listed in DEQ-7 which may be affected by this review. For DEQ-7 2011 Mr. McNeil plans on making corrections for the seven pesticides listed.

Mr. Selch referred to the examples provided that when there is degradates in there it means that it's going to be more conservative as opposed to the degradates diluting the overall concentration. Mr. McNeil answered that it would be more conservative, and protective when considered as an additive. Mr. Selch asked if there were any questions from the council; there were none.

### **Carcinogen Categorization PowerPoint Presentation**

Mr. Rod McNeil provided a [presentation](#) and discussed EPA's modification of its existing carcinogen categorization scheme. This proposal would require the modification of over 130 listings.

There was a discussion concerning some of the pesticides being on the list or modified if they are no longer used or available for use and it was pointed out that pesticides can still show up in the groundwater samples years after last application. Ms. Sanchez asked if other states have similar rules that have to be updated because of these requirement changes and wondered how they are constructing their rules and will this allow for flexibility in the future. Mr. McNeil explained that yes other states reference the risk factors against the values generated by EPA. The rules are flexible if EPA changes standards or criteria, then Montana would consider those changes as they become available.

Mr. Selch asked when this comes back as a action item if they would be looking for an recommendation on the carcinogen table and the cutoff. Mr. McNeil responded that they are looking at where the break comes on the table as that will effect in terms of what's a carcinogen or a toxin. No more questions were voiced.

**Public Comment**

Mr. Selch asked for any public comments. Ms. Bamber stated that Mr. McNeil has been great to work with at the Department of Agriculture and Mr. McNeil made the same comments about Ms. Bamber and the Department of Agriculture.

**Agenda Items for Next Meeting**

Mr. Bukantis stated that there will likely be a coal-bed methane briefing item, a briefing item on the DEQ-7 changes. Ms. Chambers would like to do an overview of compliance and enforcement, and subchapter 12 rule packet for action to rule making. Mr. Selch asked if the council had any items. Mr. Muggli stated that at the next meeting he would like to present and be on the agenda on coal-bed methane update.

**Adjournment**

Mr. Selch stated that the next meeting is February 24, 2011. Mr. Tyler moved to adjourn; Mr. Muggli seconded. Meeting adjourned at 11:52 a.m.

## REFERENCED LINKS FOR THE MEETING MATERIALS.

(Sites Last Updated 1/21/11)

**Agenda** – <http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/AGENDAJan5.pdf>

Agenda Links:

- Minutes from November 4, 2010 -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2010/November4/WPCAC-minutes-110410.pdf>
- Meeting Calendar -  
[http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/ApprovedWPCAC\\_Calendar2011.pdf](http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/ApprovedWPCAC_Calendar2011.pdf)
- Rule Change for State Minimum Wastewater Standards -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/stateminwastewater.pdf>  
and attachment  
[http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/subrules\\_922varcriteria\\_Oct2010.pdf](http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/subrules_922varcriteria_Oct2010.pdf)
- Reuse Legislation Update -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/reuselegislationupdate.pdf>
- Pesticide Degradates -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/Hazardrule.pdf>
- Carcinogen Categorization -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/carcinogenCategorization.pdf%20>

### **Presentations**

- Rule Change for State Minimum Wastewater Standards -  
[http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/subrules\\_922varcriteria\\_Oct2010.pdf](http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/subrules_922varcriteria_Oct2010.pdf)
- Reuse Legislation Update -  
[http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/handouts/reuse\\_factsheet\\_final\\_revision\\_12\\_17.pdf](http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/handouts/reuse_factsheet_final_revision_12_17.pdf)
- Pesticide Degradates -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/handouts/hazardindexrule.pdf>
- Carcinogen Categorization - presentation -  
<http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/Jan5/handouts/Carcinogencategorization.pdf>